IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

Bail Appl..No. 6940 of 2006()

CP.103/2006 of J.M.F.C.,MATTANNUR

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PETITIONERS:

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1. JAYESH K.O., S/O. OUSEPHACHAN,
   AGED 26 YEARS,AGRICULTURE,KALLUVETTIKUZHIYIL HOUSE
   ARABI P.O., VAYATHUR AMSOM, DESOM.

2. SHYJU K.V., S/O. VARGHESE,
   AGED 29 YEARS, DTP OPERATOR, KALLUVETTIKUZHIYIL
   HOUSE, ARABI P.O., VAYATHUR AMSOM, DESOM.

BY ADV. SRI.P.NARAYANAN

RESPONDENTS:

STATION HOUSE OFFICER,
ULIKKAL POLICE STATION, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 6940 of 2006

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DATED: 24-11-2006

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioners who are the accused in Crime No.8/06 of Ulikkal Police Station for offences punishable under Secs. 8(2) and 55 (g) of the Abkari Act for allegedly having found distilling 70 liters of wash and 750 ml. of arrack together with distilling apparatus on 3-2-2006, seek anticipatory Bail.

2. The learned Public Prosecutor opposed the application.

3. Admittedly non-bailable warrant of arrest is pending against the petitioner in C.P. 103/2006 on the file of the J.F.C.M., Mattannur. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioners should not surrender before the magistrate and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate and file an application for regular bail, within 10 days from today, the same shall be considered and disposed of, preferably, on the same date on which is is filed.

With the above observation, this application is dismissed.

V.RAMKUMAR,

JUDGE.

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